

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VICKI L. LaFRENIERE,

Plaintiff,

7:09-CV-0167
(GTS/VEB)

v.

MICHAEL J. ASTRUE, Comm'r of Soc. Sec.,
Defendant.

APPEARANCES:

CONBOY McKAY BACHMAN & KENDALL, LLP
Counsel for Plaintiff
307 State Street
Carthage, New York 13619

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL COUNSEL
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, New York 10278

HON. GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

LAWRENCE D. HASSELER, ESQ.

TOMASINA DiGRIGOLI, ESQ.

DECISION and ORDER

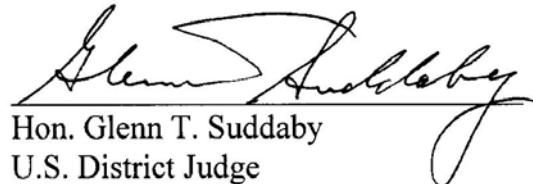
The above-captioned action comes to this Court following a Report-Recommendation by United States Magistrate Judge Victor E. Bianchini, filed on July 27, 2010, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be reversed, and (4) the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 17.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. After carefully reviewing all of the papers in this action, including Magistrate Judge Bianchini's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation,

clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is reversed; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Bianchini's Report-Recommendation (Dkt. No. 17) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that the Commissioner's motion for judgment on the pleadings (Dkt. Nos. 7, 14) is **DENIED**; and it is further
ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. Nos. 1, 9) is **GRANTED**; and it is further
ORDERED that the Commissioner's decision denying disability benefits is **REVERSED**; and it is further
ORDERED that this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g); and it is further
ORDERED that the Commissioner assign a different Administrative Law Judge on remand.

Dated: September 22, 2010
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge